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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,126	09/27/1999	ROBERT W. BOSSEMEYER JR.	8285/314	2323

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EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3639

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/407,126	Applicant(s) BOSSEMEYER ET AL.	
	Examiner Igor Borissov	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12, 14-19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14-19 and 21-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

  
**IGOR N. BORISSOV**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Response to Amendment***

Amendment received on 05/05/2006 is acknowledged and entered. Claims 4, 13 and 20 have previously been canceled. Claims 1, 9, 10 and 17 have been amended. New claims 27-30 have been added. Claims 1-3, 6-12, 14-19 and 21-30 are currently pending in the application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 27-30 includes the following phrase: "... the first party *requesting or denying ...*", which is confusing. It is not clear what method step is actually claimed: the *requesting*, or *denying*.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 5-12, 14-19 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcott (US 6,324,273) in view of Majmudar et al. (US 4,897,866) (Majmudar).**

### **Independent Claims**

**As per claims 1, 10 and 17**, Alcott teaches a computer-implemented method and system for ordering a telecommunication service, comprising:

determining, in accordance with an inquiry of the originating first party, an availability of a telecommunication feature for the party of a telecommunication network (C. 3, L. 62 - C. 4, L. 4);

identifying the party of the telecommunication network and the telecommunication feature unavailable to the party in accordance with said inquiry (C. 3, L. 48 - 53; C. 3, L. 62 - C. 4, L. 4);

providing availability data which indicates an availability of the telecommunication feature to a portion of the telecommunication network which serves the party (C. 3, L. 62 - C. 4, L. 4);

determining that the telecommunication feature has become available to the party based on the first data structure and the availability data (C. 4, L. 15-25). As per "storing" feature, Alcott teaches the computer-implemented method, wherein the steps of: "identifying the party of the telecommunication network and the telecommunication feature unavailable to the first party" are performed by the order processor (44), thereby indicating storing step (C. 3, L. 48-53).

Alcott does not explicitly teach that inputting said availability data, which indicates availability of the telecommunication feature to a portion of the telecommunication network serving the party, is occurring *after completion of the first transaction*; and *after upgrading the portion of the telecommunication network which serves the party*. Also, while Alcott teaches informing the first party that the first telecommunication feature is available (creating an account and providing a billing record to the originating party)(C. 4, L. 25-30), wherein said "informing" occurs in response to the inquiring in the first transaction, Alcott does not specifically teach that said "informing" step includes informing the first party that the first telecommunication feature *has become* available, wherein said "informing" occurs in response to the upgrading the portion of the communication network and the processing of the first data structure and the availability data.

Majmudar teaches a method and system for telecommunication arrangement, wherein, after a subscriber selects (inquires) a desired specific telecommunication feature, the inquiry is processed, and appropriate software modules are assembled (the system is *upgraded*) to enable the requested feature. After this event (indicates *after completion of the first transaction*), if user lifts a handset to originate a call, the terminal will display the requested new feature (indicates *informing the first party that the first telecommunication feature has become available, wherein said "informing" occurs in response to the upgrading the portion of the communication network and the processing of the first data structure and the availability data*) (C. 6, L. 1-17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alcott to include that inputting said availability data, which indicates an availability of the telecommunication feature, is occurring after completion of the first transaction; upgrading the network which serves the first party to provide the requested by the first party the telecommunication feature; and informing the first party that the first telecommunication feature has become available, as taught by Majmudar, because it would advantageously allow to accommodate various needs subscribers may have; and to improve customer service by allowing subscribers to inquire for the desired feature only once.

**As per claim 9, Alcott teaches:**

determining an availability of a telecommunication feature for the originating first party of a telecommunication network in accordance with an inquiry of a party (C. 3, L. 62 - C. 4, L. 4);

storing a first data structure which identifies the party of the telecommunication network and the telecommunication feature unavailable to the party in accordance with said inquiry (C. 3, L. 48-53; C. 3, L. 62 - C. 4, L. 4);

providing availability data which indicates an availability of the telecommunication feature to a portion of the telecommunication network which serves the party (C. 3, L. 62 - C. 4, L. 4);

determining that the telecommunication feature has become available to the party based on the first data structure and the availability data (C. 4, L. 15-25). As per "storing" feature, Alcott teaches the computer-implemented method, wherein the steps of "identifying the party of the telecommunication network and the telecommunication feature unavailable to the first party" are performed by the order processor (44), thereby obviously indicating storing step (C. 3, L. 48-53).

Alcott does not explicitly teach that inputting said availability data, which indicates availability of the telecommunication feature to a portion of the telecommunication network serving the party, is occurring *after completion of the first transaction*; and *after upgrading the portion of the telecommunication network which serves the party*. Also, while Alcott teaches informing the first party that the first telecommunication feature is available (creating an account and providing a billing record to the originating party)(C. 4, L. 25-30), wherein said "informing" occurs in response to the inquiring in the first transaction, Alcott does not specifically teach that said "informing" step includes informing the first party that the first telecommunication feature *has become* available, wherein said "informing" occurs in response to the upgrading the portion of the communication network and the processing of the first data structure and the availability data.

Majmudar teaches a method and system for telecommunication arrangement, wherein, after a subscriber selects (inquires) a desired specific telecommunication feature, the inquiry is processed, and appropriate software modules are assembled (the system is *upgraded*) to enable the requested feature. After this event (indicates *after completion of the first transaction*), if user lifts a handset to originate a call, the terminal will display the requested new feature (indicates *informing the first party that the first telecommunication feature has become available, wherein said "informing" occurs in response to the upgrading the portion of the communication network and the processing of the first data structure and the availability data*) (C. 6, L. 1-17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alcott to include that inputting said availability data,

which indicates an availability of the telecommunication feature, is occurring after completion of the first transaction; upgrading the network which serves the first party to provide the requested by the first party the telecommunication feature; and informing the first party that the first telecommunication feature has become available, as taught by Majmudar, because it would advantageously allow to accommodate various needs subscribers may have; and to improve customer service by allowing subscribers to inquire for the desired feature only once.

Also, Alcott and Majmudar does not specifically teach that said originating party includes a *first*, a *second* and a *third* party, and that said inquired feature includes a *first*, a *second* and a *third* feature. However, the method steps disclosed in Alcott and Majmudar indicate continuity of the disclosed method, because it is not feasible to implement said system for one customer only and only for one feature. Furthermore, the method steps, disclosed in Alcott and Majmudar would be performed the same regardless how many parties make inquiries for a service, and how many telecommunication features are available for the service. Thereby, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alcott and Majmudar to include that said originating party includes a *first*, a *second* and a *third* party, and that said inquired feature includes a *first*, a *second* and a *third* feature, because it would advantageously allow to accommodate various needs of all subscribers.

#### Dependent Claims

Furthermore, Alcott teaches:

**As per claims 2, 11 and 18,**

identifying another party of the telecommunication network and another a telecommunication feature unavailable to another party; determining an availability of the telecommunication feature for another party of a telecommunication network; and determining that the telecommunication feature unavailable to another party (C. 3, L. 48 -53; C. 3, L. 62 - C. 4, L. 4). As per "storing" feature, Alcott teaches the computer--implemented method, wherein the steps of "identifying the party of the

telecommunication network and the telecommunication feature unavailable to the first party" are performed by the order processor (44), thereby indicating storing step (C. 3, L. 48-53).

**As per claims 3, 12 and 19**, identifying another party of the telecommunication network and another telecommunication feature unavailable to another party; and determining that another telecommunication feature unavailable to another party (C. 3, L. 48 -53; C. 3, L. 62 - C. 4, L. 4). As per "storing" feature, Alcott teaches the computer-implemented method, wherein the steps of "identifying the party of the telecommunication network and the telecommunication feature unavailable to the first party" are performed by the order processor (44), thereby indicating storing step (C. 3, L. 48-53). As to *second* party and *first* telecommunication feature, the method steps, disclosed in Alcott and Majmudar would be performed the same regardless how many parties make inquiries for a service, and how many telecommunication features are available for the service.

**As per claim 5**, said method and system, comprising: prior to inputting the availability data, receiving a call from the party, and informing in the call that the first telecommunication feature is unavailable to the party (C. 1, L. 11-33; C. 3, L. 41 - C. 4, L. 4).

**As per claims 6, 14 and 21**, said method and system, wherein the first telecommunication feature comprises a telecommunication service (C. 1, L. 6-7).

**As per claims 7, 15 and 22**, said method and system, wherein the first telecommunication feature comprises a telecommunication product (C. 1, L. 6-7).

**As per claims 8, 16 and 23**, said method and system, wherein the telecommunication network comprises a telephone network (C. 1, L. 62 - C. 2, L. 12).

**As per claims 24-30**, See reasoning applied to the independent claims.

### ***Response to Arguments***

Applicant's arguments filed on 4/6/2005 have been fully considered but are moot in view of new grounds of rejection.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

7/23/2006



IGOR N. BORISSOV  
PRIMARY EXAMINER